

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Bail Appl..No. 4655 of 2007()

CRIME NO.462/07 OF ERNAKULAM NORTH POLICE STATION

PETITIONER/ACCUSED

1. DANESH, S/O LUIZ, THALIYANADATH HOUSE,
 AYYAPPANKAVU, ERNAKULAM.
2. VIPIN, S/O MICHAEL,
 PALA MURIKUMPUZHA, MEENACHIL VILLAGE,
 KOTTAYAM.
3. SCARIA, S/O PAUL,
 NALPATHAMKULAM, NEAR BARATH MATHA COLLEGE,
 THRIKKAKARA.

BY ADV. SRI.VIJU ABRAHAM

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. NO. 4655 of 2007

Dated this the 3rd day of August, 2007

ORDER

Application for regular bail. The petitioners are accused 1 to 3. Altogether, there are three accused persons. The crux of the allegations is that on account prior animosity towards the victim – a student, the petitioners on 10/7/07 came and waited in a car near the house of the victim and when the victim was coming to his house, they attacked him. The 1st accused is alleged to have wielded the dangerous weapon – a sword, and caused injuries to the victim. The petitioners were arrested on 11/7/07. They continue in custody from that date.

2. The learned counsel for the petitioners prays and the learned Public Prosecutor does not oppose the application for bail of accused 2 and 3; but as regards the 1st accused, the learned Public Prosecutor opposes the application. It is the 1st accused who had wielded the weapon and who entertained the animosity. The incident has created scare in the mind of the

local polity and the release of the 1st accused on bail, at this early stage, would have deleterious impact on the law and order situation in general and the investigation of this case in particular, submits the learned Public Prosecutor.

3. Having considered all the relevant inputs, I find merit in the opposition against the application for bail of the 1st petitioner/1st accused. Accused 2 and 3 can, of course, be enlarged on bail in the total absence of opposition.

4. **In the result:**

(a) The application is allowed in part. The application for bail in so far as the 1st petitioner is dismissed with the observation that the 1st petitioner shall be at liberty to move this Court again for bail at a later stage of the investigation not, at any rate, prior to 10/8/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(b) The petitioners 2 and 3/accused 2 and 3 shall be released on bail on the following terms and conditions:

(i) The petitioners 2 and 3 shall execute bonds for Rs.50,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners 2 and 3 shall make themselves available

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for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of 45 days from the date of their release and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) The petitioners 2 and 3 shall not enter the jurisdiction of the Ernakulam North Police Station for a period of 45 days from the date of their release, except for the purpose of complying with condition No.(ii) above.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge